

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES D. KLEIN, et al., Individually and on) No. 1:07-cv-12388
Behalf of All Others Similarly Situated.)
) CLASS ACTION
Plaintiffs.)
)
vs.)
)
BAIN CAPITAL PARTNERS, LLC, et al.,)
)
Defendants.)
)
_____)

KIRK DAHL, et al., Individually and on Behalf) No. 08-cv-10254-EFH
of All Others Similarly Situated,)
) CLASS ACTION
Plaintiffs,)
)
vs.)
)
BAIN CAPITAL PARTNERS, LLC, et al.,)
)
Defendants.)
)
_____)

E.F.H. 4-22-08
STIPULATION AND ~~PROPOSED~~ ORDER

35201634 1
35201716 1

So ordered.

- 1 -

4-23-08
Stipulation approved
Edward F. Harrington, S.D.

1. The parties have conferred and agreed to request a revised briefing schedule for Defendants' Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) ("Venue Motion"). Plaintiffs' Opposition to the Defendants' Venue Motion will be filed no later than May 8, 2008. In the event Defendants wish to seek leave of Court to file a Reply to Plaintiffs' Opposition, Plaintiffs will not object. In that event, Defendants' assented-to Motion seeking leave to Reply, with Defendants' proposed Reply brief attached as an exhibit thereto, would be filed no later than May 22, 2008. Defendants reserve the right to seek a stay of other proceedings in this litigation, which Plaintiffs would oppose.

2. Upon Plaintiffs' filing of their Amended Complaint, the Parties shall confer and agree upon a date by which Defendants will respond to the Amended Complaint. Additionally, Defendants need not answer or otherwise respond to the two Complaints Plaintiffs originally filed with the Court in these actions.

DATED: April 22, 2008

/s/ Meghan E. Walt

ROBINS, KAPLAN, MILLER &
CIRESI L.L.P
DAVID E. MARDER (BBO #552485)
MEGHAN E. WALT (BBO #658971)
800 Boylston Street, 25th Floor
Boston, MA 02199
Telephone: 617/267-2300
617/267-8288 (fax)

Of Counsel:

ROBINS, KAPLAN, MILLER &
CIRESI L.L.P
K. CRAIG WILDFANG
THOMAS B. HATCH
STACEY P. SLAUGHTER
2800 LaSalle Plaza
800 LaSalle Avenue South
Minneapolis, MN 55402-2015
Telephone: 612/349-8500
612/339-4181 (fax)

/s/ John D. Hanify

John D. Hanify (BBO# 219880)
David L. Evans (BBO# 156695)
Michael T. Marcucci (BBO# 652186)
HANIFY & KING, P.C.
One Beacon Street
Boston, Massachusetts 02108
Tel: 617-423-0400
jdh@hanify.com
mtm@hanify.com

Of Counsel

Thomas D. Yannucci, P.C.
Craig S. Primis, P.C.
Michael F. Williams
KIRKLAND & ELLIS LLP
655 15th Street, NW
Washington, DC 20005

James H. Mutchnik, P.C.
Catherine E. Fazio
KIRKLAND & ELLIS LLP
Aon Center
200 East Randolph Drive
Chicago, IL 60601-6636

Attorneys for Bain Capital Partners, LLC

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PATRICK COUGHLIN
DAVID W. MITCHELL
ELISABETH A. BOWMAN
SUSAN G. TAYLOR
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

SCOTT + SCOTT LLP
DAVID R. SCOTT
AMANDA LAWRENCE
WALTER NOSS
108 Norwich Avenue
Colchester, CT 06415
Telephone: 860/537-3818
860/537-4432 (fax)

Kevin M. McGinty (BBO# 556780)
Meredith M. Leary (BBO# 654211)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1688
kmcginty@mintz.com

Of Counsel
Kevin J. Arquit
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017

Peter C. Thomas
Hillary C. Mintz
Reynelle A. Brown
SIMPSON THACHER & BARTLETT LLP
601 Pennsylvania Avenue, NW
North Building
Washington, DC 20004

Attorneys for The Blackstone Group L.P.

SCOTT + SCOTT LLP
ARTHUR L. SHINGLER III
CHRISTOPHER M. BURKE
600 B Street, Suite 1500
San Diego, CA 92101
Telephone: 619/233-4565
619/233-0508 (fax)

James C. Burling (BBO# 065960)
WILMER CUTLER PICKERING HALE
AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526 6416
james.burling@wilmerhale.com

Of Counsel
Kenneth Conboy
LATHAM & WATKINS LLP
885 Third Avenue, Suite 1000
New York, NY 10022-4834

William R. Sherman
E. Marcellus Williamson
Amanda P. Reeves
LATHAM & WATKINS LLP
555 11th Street, NW
Washington, DC 20004-1304

Attorneys for TC Group III, L.P. and TC
Group IV, L.P.

LANDSKRONER • GRIECO • MADDEN,
LTD.
JACK LANDSKRONER
PAUL GRIECO
1360 West 9th Street, Suite 200
Cleveland, OH 44113
Telephone: 216/522-9000
216/522-9007 (fax)

John D. Donovan, Jr. (BBO# 130950)
ROPES & GRAY LLP
One International Place
Boston, MA 02110-2624
(617) 951-7566
john.donovan@ropesgray.com

ROBBINS UMEDA & FINK, LLP
BRIAN J. ROBBINS
GEORGE AGUILAR
610 West Ash Street, Suite 1800
San Diego, CA 92101
Telephone: 619/525-3990
619/525-3991 (fax)

Of Counsel
Gandolfo V. DiBlasi
Steven L. Holley
Stephanie G. Wheeler
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004-2498

Attorneys for The Goldman Sachs Group,
Inc.

LOCKRIDGE GRINDAL NAUEN P.L.L.P.
RICHARD A. LOCKRIDGE
CHARLES N. NAUEN
KAREN HANSON RIEBEL
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401-2159
Telephone: 612/339-6900
612/339-0981 (fax)

HULETT HARPER STEWART, LLP
DENNIS STEWART
550 West C Street, Suite 1600
San Diego, CA 92101
Telephone: 619/338-1133
619/338-1139 (fax)

BRANSTETTER, STRANCH
& JENNINGS, PLLC
J. GERARD STRANCH IV
227 Second Avenue, North – 4th Floor
Nashville, TN 37201-1631
Telephone: 615/254-8801
615/255-5419 (fax)

Attorneys for Plaintiffs

James R. Carroll (BBO# 554426)
Kurt Wm. Hemr (BBO# 638742)
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
One Beacon Street
Boston, MA 02108
(617) 573-4800
jcarroll@skadden.com
khemr@skadden.com

Of Counsel
Peter E. Greene
Cyrus Amir-Mokri
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
Four Times Square
New York, NY 10036

Attorneys for JP Morgan Chase & Co.
and JP Morgan Partners, LLC

Kevin M. McGinty (BBO# 556780)
Meredith M. Leary (BBO# 654211)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1688
kmcginty@mintz.com

Of Counsel
Joseph F. Tringali
Paul C. Gluckow
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017

Attorneys for Kohlberg Kravis Roberts &
Co. L.P.

Jonathan L. Kotlier (BBO# 545491)
Ian D. Roffman (BBO# 637564)
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
(617) 439-2000
jkotlier@nutter.com

Of Counsel
Kenneth M. Kramer
Wayne Dale Collins
Jerome S. Fortinsky
Daniel M. Segal
William A. Novomisle
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022

Attorneys for Merrill Lynch & Co., Inc. and
Merrill Lynch Global Private Equity, Inc
Kevin M. McGinty (BBO# 556780)
Meredith M. Leary (BBO# 654211)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1688
kmcginty@mintz.com

Of Counsel
Douglas H. Flaum
Michael B. deLeeuw
Peter S. Guryan
FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP
One New York Plaza
New York, NY 10004

Attorneys for Permira Advisers LLC

Carrie M. Anderson (BBO# 637125)
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W.
Washington, DC 20005
(202) 682-7231
Carrie.Anderson@weil.com

Of Counsel
Steven A. Newborn
James C. Egan, Jr.
John E. Scribner
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W.
Washington, DC 20005

Attorneys for Providence Equity Partners
Inc.

Kevin M. McGinty (BBO# 556780)
Meredith M. Leary (BBO# 654211)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1688
kmcginty@mintz.com

Of Counsel
R. Hewitt Pate
Ryan Shores
HUNTON & WILLIAMS LLP
1900 K Street, NW
Washington, DC 20006

Wesley R. Powell
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, NY 10166

Attorneys for Silver Lake Technology
Management LLC

John A. Freedman (BBO# 629778)
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-1206
(202) 942-5316
John.Freedman@aporter.com

Of Counsel
William J. Baer
Franklin R. Liss
ARNOLD & PORTER LLP
555 12th Street, NW
Washington, DC 20004

H. Lee Godfrey
Harry P. Susman
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002

Attorneys for TPG Capital, L.P.
Thomas C. Frongillo (BBO# 180690)
WEIL, GOTSHAL & MANGES LLP
100 Federal Street, Floor 34
Boston, Massachusetts 02110
(617) 772-8335
thomas.frongillo@weil.com

Of Counsel
Helene D. Jaffe
Alan J. Weinschel
Fiona Schaeffer
Claire L.M. Webb
Eric S. Hochstadt
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153

Attorneys for Thomas H. Lee Partners, L.P.

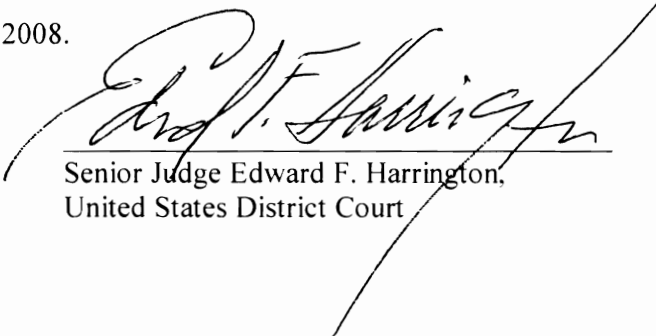
Robert J. Muldoon, Jr. (BBO# 359480)
James W. Matthews (BBO# 560560)
SHERIN AND LODGEN LLP
101 Federal Street
Boston, MA 02110
(617) 646-2000
rjmuldoon@sherin.com
jwmatthews@sherin.com

Of Counsel
Roger Netzer
Raymond Sarola
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019

Bernard A. Nigro, Jr.
WILLKIE FARR & GALLAGHER LLP
1875 K. Street, N.W.
Washington, DC 20006-1238

Attorneys for Warburg Pincus LLC

It Is So Ordered this 23 day of April, 2008.



Senior Judge Edward F. Harrington,
United States District Court